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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,264	12/12/2003	Hideo Hoshuyama	118019	8658
25944	7590	04/25/2007	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			TSAI, TSUNG YIN	
			ART UNIT	PAPER NUMBER
			2609	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE		DELIVERY MODE	
3 MONTHS	04/25/2007		PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/733,264	HOSHUYAMA, HIDEO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tsung-Yin Tsai	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12/12/2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 June 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/29/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2 is objected to because of the following informalities:
  - (1) Regarding to claim 2, lines 19-20, where cited "perform a luminance level correction processing" replace with –perform the luminance level correction processing-

### ***Claim Rejections – 35 USC 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
3. Claim 3 recites the limitation " for each of the said areas " on lines 25. There is insufficient antecedent basis for this limitation in the claim. It is confusing what area is refer here; to the whole image or apiece of the divided image.

### ***Claim Rejections – 35 USC 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 8, a "computer program" is being recited; however, computer program would reasonably be interpreted by one of ordinary skill in the art as software, per se. This subject matter is not limited to that which falls within a statutory category of

invention because it is limited to a process, machine, manufacture, or a composition of matter. Software is a function descriptive material and a function descriptive material is non-statutory subject matter.

***Claim Rejections – 35 USC 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4, 6 and 7-9 are rejected under 35 U.S.C. 102(b) as being unpatentable over Hirai et al (US 2001/0003557 A1).

Hirai et al disclose a image-processing device (title, abstract), also seen as a digital still camera (title, abstract, figure 1), carrying out the method (abstract, figures 7-16, 18-20 and 22) comprising:

(1) Regarding claims 1 and 6:

an image information generating part (page 1 paragraph 0005. The colorimetry system is seen as the information generating part) for dividing an image (figure 23, page 1 paragraph 0005) to be processed into a plurality of small areas (page 1 paragraph 0005 shows the colorimetry system divides the original image to sections) and for generating, for each of said small areas, image information indicating a characteristic of the image (page 1 paragraph 0005, page 2 paragraphs 0013-0015, page 8 claims 1-2. Varies type of

characteristic of the image will be look at; the lighting exposure, measurement of the color red, green and blue.);

an evaluation value determining part (page 1 paragraphs 0007-0008. The compensation amount determining system is the system that will carry on the process like light meter measuring and exposure measuring) for determining an evaluation value (figure 7, page 1 paragraph 0010, page 3 paragraphs 0044-0045 and 0049. Luminosity values are compensated by filter and process from analog value to digital values) according to the image information generated for each of said small areas (page 1 paragraph 0005) and to the image information generated for each of small areas adjacent to the each of said small areas (figure 23, page 1 paragraph 0005), the evaluation value indicating luminosity of each of pixels (page 3 paragraph 0044-0045, 0049. Brightness value, Bvad, is measure and calculated) constituting the image; and

an image-processing part (page 3 paragraph 0046, 0049-0050 and 0057. There are various parts that take image data for output; LCD panel 21 and the controller 20) for performing an image processing on each of the pixels (figure 6 and page 3 paragraph 0045 shows processing of the image processing. Page 3 paragraph 0050 show exposure value calculation procedure according to the brightness value Bvd. Page 3 paragraph 0046 shows image processing as a display of the LCD panel 24) of the image according to the evaluation value (figure 7, page 1 paragraph 0010, page 3 paragraphs 0044-0045 and 0049. Luminosity values are compensated by filter and process from analog value to

digital values) determined by said evaluation value determining part (page 1 paragraphs 0007-0008. The compensation amount determining system is the system that will carry on the process like light meter measuring and exposure measuring).

(2) Regarding claim 2:

wherein said image-processing part (page 3 paragraph 0046, 0049-0050 and 0057. There are various parts that take image data for output; LCD panel 21 and the controller 20) includes a luminance level correcting part (page 1 paragraph 0007 show a compensation amount determining system that processes exposure level on each divided area. Page 1 paragraph 0008 shows a light measuring system that measures the incoming luminance level on incoming data. Page 3 paragraph 0044 shows remaining sensor 9D that is provided with a luminosity compensating figure the select the range of desire wavelength of incoming light exposure. Page 3 paragraph 0050 shows at step S15 an “exposure value calculation procedure” that is executed bas on the brightness value Bvd) for correcting a luminance level of the image; and

    said luminance level correcting part (page 1 paragraph 0007 show a compensation amount determining system that processes exposure level on each divided area. Page 1 paragraph 0008 shows a light measuring system that measures the incoming luminance level on incoming data. Page 3 paragraph 0044 shows remaining sensor 9D that is provided with a luminosity compensating figure the select the range of desire wavelength of incoming light

exposure. Page 3 paragraph 0050 shows at step S15 an “exposure value calculation procedure” that is executed bas on the brightness value Bvd) determines a luminance level correcting coefficient (page 3 paragraph 0049 shows a Bvd value, that is seen as the correcting coefficient, with will be use by operation S20 executed by the controller 20, page 3 paragraph 0050 shows the value Bvd, which is obtain for the “exposure value calculation procedure”, page 4 paragraph 0057 shows that the value Bvd response to adjustment of the brightness value) used for the luminance level correction according to the evaluation value (figure 7, page 1 paragraph 0010, page 3 paragraphs 0044-0045 and 0049. Luminosity values are compensated by filter and process from analog value to digital values) for each of said pixels determined by said evaluation value determining part (page 1 paragraphs 0007-0008. The compensation amount determining system is the system that will carry on the process like light meter measuring and exposure measuring) so as to perform a luminance level correction (page 1 paragraph 0007 show a compensation amount determining system that processes exposure level on each divided area. Page 1 paragraph 0008 shows a light measuring system that measures the incoming luminance level on incoming data. Page 3 paragraph 0044 shows remaining sensor 9D that is provided with a luminosity compensating figure the select the range of desire wavelength of incoming light exposure. Page 3 paragraph 0050 shows at step S15 an “exposure value calculation procedure” that is executed bas on the brightness value Bvd) processing on each of said

pixels by using the coefficient (page 3 paragraph 0049 shows a Bvd value, that is seen as the correcting coefficient, which will be used by operation S20 executed by the controller 20. Page 3 paragraph 0050 shows the value Bvd, which is obtained for the "exposure value calculation procedure". Page 4 paragraph 0057 shows that the value Bvd responds to adjustment of the brightness value).

(3) Regarding claim 4:

wherein said evaluation value determining part (page 1 paragraphs 0007-0008. The compensation amount determining system is the system that will carry on the process like light meter measuring and exposure measuring) performs a pre-correction processing (page 1 paragraph 0008 shows a light metering system which is seen as a pre-correcting processing system before the image is taken. Page 3 paragraph 0044 shows a luminosity compensating filter, which only lets in certain wavelength range as well as the normal light detecting sensor is also seen as a pre-correcting processing system) on the image information (page 1 paragraph 0005, page 2 paragraphs 0013-0015, page 8 claims 1-2. Various types of characteristic of the image will be looked at; the lighting exposure, measurement of the color red, green and blue) for each of said small areas ((page 1 paragraph 0005. The colorimetry system divides the original image into sections) generated by said image information generating part (page 1 paragraph 0005. The colorimetry system is seen as the information generating part) in accordance with a characteristic of a photo-taking lens (page 3 paragraph 0044 shows filter lens letting in selected wavelengths) used for generating the image, and then

determines the evaluation value (figure 7, page 1 paragraph 0010, page 3 paragraphs 0044-0045 and 0049. Luminosity values are compensated by filter and process from analog value to digital values) according to the pre-corrected image information (page 1 paragraph 0008 shows a light metering system which is seen as a pre-correcting processing system before the image is taken. Page 3 paragraph 0044 shows a luminosity compensating filter, which only let in certain wavelength rage as well as the normal light detecting sensor is also seen as a pre-correcting processing system) for each of said small areas (page 1 paragraph 0005 shows colorimetry system divides the original image to sections).

(4) Regarding claim 7:

further comprising a divisional photometry part (figure 1, figure 23, page 1 paragraph 0005 show a photometry area into a plurality of area, page 1 paragraph 0007) for dividing a subject field into a plurality of photometry areas (page 1 paragraph 0005 shows the colorimetry system divides the original image to sections) and performing photometry for each of the photometry areas (page 1 paragraph 0005 show that photometry area in plurality of areas and colorimetry is performed on these areas, page 1 paragraph 0010 shows that exposure compensation amount is perform on the plurality of photometry areas), wherein said image information generating part (page 1 paragraph 0005. The colorimetry system is seen as the information generating part) generates the image information (page 1 paragraph 0005, page 2 paragraphs 0013-0015 and page 8

claims 1-2. Varies type of characteristic of the image will be look at; the lighting exposure, measurement of the color red, green and blue) based on information obtained from said divisional photometry part (figure 1, figure 23, page 1 paragraph 0005 show a photometry area into a plurality of area, page 1 paragraph 0007).

(5) Regarding claims 8 and 9:

dividing an image to be processed into a plurality of small areas (figure 23, page 1 paragraph 0005) and for generating, for each of said small areas, image information indicating a characteristic of the image (page 1 paragraph 0005, page 2 paragraphs 0013-0015, page 8 claims 1-2. Varies type of characteristic of the image will be look at; the lighting exposure, measurement of the color red, green and blue);

determining an evaluation value (figure 7, page 1 paragraph 0010, page 3 paragraphs 0044-0045 and 0049. Luminosity values are compensated by filter and process from analog value to digital values) according to the image information generated (page 3 paragraph 0046, 0049-0050 and 0057. There are various parts that take image data for output; LCD panel 21 and the controller 20) for each of said small areas and the image information generated for each of small areas (figure 6 and page 3 paragraph 0045 shows processing of the image processing. Page 3 paragraph 0050 show exposure value calculation procedure according to the brightness value Bvd. Page 3 paragraph 0046 shows image processing as a display of the LCD panel 24) adjacent to the each of said small

areas, the evaluation value (figure 7, page 1 paragraph 0010, page 3 paragraphs 0044-0045 and 0049. Luminosity values are compensated by filter and process from analog value to digital values) indicating luminosity (page 3 paragraph 0044-0045, 0049. Brightness value, Bvd, is measure and calculated) of each of pixels constituting the image; and

performing an image processing (figure 6 and page 3 paragraph 0045 shows processing of the image processing. Page 3 paragraph 0050 show exposure value calculation procedure according to the brightness value Bvd. Page 3 paragraph 0046 shows image processing as a display of the LCD panel 24) on each of the pixels of the image according to the evaluation value (figure 7, page 1 paragraph 0010, page 3 paragraphs 0044-0045 and 0049. Luminosity values are compensated by filter and process from analog value to digital values) determined in the evaluation-value determining step (page 1 paragraphs 0007-0008. The compensation amount determining system is the system that will carry on the process like light meter measuring and exposure measuring).

### ***Claim Rejections – 35 USC 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai et al (US 2001/0003557 A1) in view of Kita (US 2002/0051569 A1).

(1) Regarding claim 3:

Hirai et al teaches all of the subject matter as describe in claim 1 above.

Hirai et al does not teach regarding smoothing processing of the image.

However, Kite teaches regarding the smoothing processing of the image (page 3 paragraph 0038-0049).

It would have been obvious to one skill in the art at the time of the invention to employ Katie teaching to Hirai et al regarding smoothing processing of the image, such it would effectively reduce the coarse look of the image without blurring (page 3 paragraph 0045), and greatly enhance with better contrast, less of the coarse, and retain the sharpness of the image (page 3 paragraph 0048).

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hirai et al (US 2001/0003557 A1) in view of Kimura (US Patent Number 6,333,792 B1).

(1) Regarding claim 5:

Hirai et al teaches all of the subject matter as describe in claim 1 above.

Hirai et al does not teach regarding a ratio of distance from a pixel and a predetermine point.

However, Kimura teaches ratio of distance from a pixel (page 1 lines 55-65) and a predetermine point (page 1 lines 55-65 show that there is a original pixel without the enlargement factor).

It would have been obvious to one skill in the art at the time of the invention to employ Kimura teachings to Hirai et al regarding ratio of distance from a pixel and a predetermine point, such that when enlargement operation is requested it will attain optimal enlargement by switching various interpolation schemes depending on the layout sate of the surrounding pixels (page 1 lines 60-65).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kobayashi et al (US Patent Number 6,388,709 B1) disclose image sensing apparatus with optical modulation elements having transmission characteristics controllable by pixel.

Kawakami et al (US Patent Number 6,005,984) disclose process and apparatus for extracting and recognizing figure elements using division into receptive fields, polar transformation, application of one-dimensional filter, and correlation between plurality of images.

Kawakami et al (US Patent Number 5,901,252) disclose Process and apparatus for extracting and recognizing figure elements using division into receptive fields, polar

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transformation, application of one-dimensional filter, and correlation between plurality of images.

Berlin, Jr et al (US Patent Number 4,677,576) disclose non-edge computer image generation system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tsung-Yin Tsai whose telephone number is (571) 270-1671. The examiner can normally be reached on Monday - Friday 8 am - 5 pm ESP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on (571) 272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tsung-Yin Tsai  
April 13, 2007



SHUWANG LIU  
SUPERVISORY PATENT EXAMINER